

REMARKS

Applicant has carefully reviewed the Office Action mailed June 10, 2009 and offers the following remarks to accompany the above amendments.

Claims 1, 6, 7, 12, 17, 18, 23-25, 30, and 31 have been amended. Claims 4, 5, 15, and 16 have been cancelled. Claims 1-3, 6-14, and 17-36 remain pending.

Applicant appreciates the interviews between Examiner Sall and Applicant's representative, John R. Witcher, III, on May 28, 2009, and September 9, 2009. In the interview on May 28, 2009, Examiner Sall indicated that if the independent claims were amended to include the limitations of claims 4 and 5, the application would be in condition for allowance. Applicant argued that the independent claims were patentable over Blewett for the reasons set forth in its previous response (See Response filed March 2, 2009, pp. 10-12). However, Applicant agreed to consider the amendment proposed by Examiner Sall to amend the independent claims to include the limitations of claims 4 and 5. Before Applicant was able to reach a decision, a new Office Action was issued, in which claims 1-23, 25-30, and 32-36 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 7,131,141 B1 to Blewett et al. (hereinafter "Blewett") in view of U.S. Patent Application Publication No. 2003/0110288 A1 to Ramanujan et al. (hereinafter "Ramanujan"). After reviewing the Office Action mailed June 10, 2009, Applicant contacted Examiner Sall on September 9, 2009, and inquired as to whether the application would still be allowable in light of this new rejection if the independent claims were amended to include the limitations of claims 4 and 5. Examiner Sall indicated that he would have to do another search to see if he could find new prior art that would show the limitations of claims 4 and 5, and requested that Applicant file a response arguing that Blewett and Ramanujan did not teach these limitations.

Applicant still believes that claims 1, 12, 23, and 30 are patentable for the reasons previously set forth (See Response filed March 2, 2009, pp. 10-12). Applicant does not waive these arguments and reserves the right to re-raise them later in prosecution or in a continuation application, if necessary. However, in an effort to advance prosecution, Applicant has amended independent claims 1, 12, 23, and 30 to include the limitations of claims 4 and 5.

Claims 1-23, 25-30, and 32-36 were rejected under 35 U.S.C. § 102(e) as being obvious over Blewett in view of Ramanujan. Claims 4, 5, 15, and 16 have been cancelled, thereby rendering the rejection of these claims moot. Regarding the remaining claims, Applicant

respectfully traverses. To establish *prima facie* obviousness, the Patent Office must show where each and every element of the claim is taught or suggested in the combination of references. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. (BNA) 580 (CCPA 1974). An obviousness inquiry requires looking at a number of factors, including the background knowledge possessed by a person having ordinary skill in the art, to determine whether there was an apparent reason to combine the elements of the prior art in the fashion claimed by the present invention. *KSR Int'l v. Teleflex, Inc.*, 550 U.S. ___, 82 U.S.P.Q.2d (BNA) 1385, 1396 (2007). For the Patent Office to combine references in an obviousness rejection, the Patent Office must identify a reason why a person of ordinary skill in the art would have combined the references. *Ibid*. If the Patent Office cannot establish obviousness, the claims are allowable.

Claim 1 now recites that the first target network protected address is reassigned to the user element only when the second tunneling session is established within a predetermined period of time from termination or last use of the first tunneling session, and that a second target network protected address is assigned to the user element for addressing packets intended for the protected network resource and traveling in part over the second tunneling session when the second tunneling session is not established within the predetermined period of time. Independent claims 12, 23, and 30 now recite similar limitations. Neither Blewett nor Ramanujan discloses that “the first target network protected address is reassigned to the user element only when the second tunneling session is established within a predetermined period of time from termination or last use of the first tunneling session,” as recited in the claimed invention. Likewise, neither Blewett nor Ramanujan discloses “assigning to the user element a second target network protected address for addressing packets intended for the protected network resource and traveling in part over the second tunneling session when the second tunneling session is not established with the predetermined period of time,” as recited in the claimed invention. Thus, the combination of Blewett and Ramanujan does not teach or suggest each and every limitation of the claimed invention.

In the Office Action mailed June 10, 2009, the Patent Office indicates that column 3, lines 39-63 of Blewett discloses the above-discussed limitations (Office Action mailed June 10, 2009, p. 4). Applicant respectfully disagrees. The cited portion of Blewett discloses packet handling rules that perform various functions, including denying at least some client access through the gateway from hosts in the untrusted network to hosts in the first network, in the

second network and in the protected resource network, and denying at least some client access through the gateway from hosts in the second network to hosts in the first network. The packet handling rules also permit at least some client access through the gateway from hosts in the first network to hosts in the second network and in the protected resource network (Blewett, col. 3, lines 42-54). “Client access” as used in Blewett refers to the ability of a client in a first network to initiate an IP connection with a host in a second network. Once such a protocol session, such as a TCP/IP connection, is established, the connection proceeds normally, allowing packets in both directions until it is terminated by either host (Blewett, col. 3, lines 55-60). Blewett thus discloses that client access may be denied or permitted based on packet handling rules, and that if client access is permitted, packets may be sent in both directions between a client in a first network to a host in a second network.

However, there is no mention in the cited portion of Blewett that “the first target network protected address is reassigned to the user element only when the second tunneling session is established within a predetermined period of time from termination or last use of the first tunneling session.” Likewise, the cited portion of Blewett fails to disclose “assigning to the user element a second target network protected address for addressing packets intended for the protected network resource and traveling in part over the second tunneling session when the second tunneling session is not established with the predetermined period of time.”

In the claimed invention, if the second tunneling session is not established within a predetermined period of time from termination or last use of the first tunneling session, then the user element is assigned a second target network protected address for addressing packets intended for the protected network resource and traveling in part over the second tunneling session. Only when the second tunneling session is established within a predetermined period of time from termination or last use of the first tunneling session is the first target network protected address reassigned to the user element.

The cited portion of Blewett does not decide whether to assign a second target network protected address or to reassign the first target network protected address based on whether the second tunneling session is established within a predetermined period of time from termination or last use of the first tunneling session. In fact, the cited portion of Blewett is silent as to “a predetermined period of time from termination or last use of the first tunneling session.” Blewett merely states that once a protocol session is established, the connection proceeds normally,

allowing packets in both directions until it is terminated by either host (Blewett, col. 3, lines 55-60). There is no discussion of whether the second tunneling session is established within a predetermined period of time from termination or last use of the first tunneling session.

Part of this is due to the fact that Blewett does not disclose establishing two tunneling sessions over different access networks where a separate tunneling session is established over each of the two different access networks, as discussed in Applicant's previous response (see Response filed March 2, 2009, p. 10). Although Figure 3 of Ramanujan discloses two tunnels, Ramanujan also fails to teach or suggest establishing two tunneling sessions over different access networks where a separate tunneling session is established over each of the two different access networks. Ramanujan merely discloses that when an attack on a VPN tunnel is detected, the end-to-end tunnel between LANs may be split into two or more concatenated tunnels (Ramanujan, Figure 3 and paragraph 0038). There is no discussion in Ramanujan of deciding whether to assign a second target network protected address or to reassign the first target network protected address based on whether a second tunneling session is established within a predetermined period of time from termination or last use of the first tunneling session. Thus, the combination of Blewett and Ramanujan fails to teach or suggest each and every limitation of the claimed invention.

In addition, claim 1 recites that the first target network protected address is reassigned to the user element only when the second tunneling session is established within a predetermined period of time from termination or last use of the first tunneling session. Blewett fails to disclose that the same address that is used to address the packets traveling in part over the first tunneling session is reassigned to the user element for addressing the packets traveling in part over the second tunneling session. It is clear from looking at Figures 3A and 7A of Blewett that the address used for packets traveling in the first network is not the same address used for packets traveling in the second network. The address in item 352 of Figure 3A (WORKNET) is 135.207.12.204:80 and the address in item 752 of Figure 7A (HOMENET) is 10.0.0.7:80. Thus, the address used for the WORKNET is not reassigned. As such, Blewett does not teach "reassigning to the user element the first target network protected address for addressing packets intended for the protected network resource and traveling in part over the second tunneling session," as recited in claim 1. Claim 1 is therefore not anticipated by Blewett for this additional reason.

Independent claims 12, 23, and 30 all recite limitations similar to those in claim 1. Thus, claims 12, 23, and 30 are patentable over Blewett for at least the same reasons set forth above with respect to claim 1. Claims 2, 3, and 6-11 depend from claim 1 and contain all of the limitations of claim 1. Claims 13, 14, and 17-22 depend from claim 12 and contain all of the limitations of claim 12. Claims 25-29 depend from claim 23 and contain all of the limitations of claim 23. Claims 32-36 depend from claim 30 and contain all of the limitations of claim 30. Therefore, claims 2, 3, 6-11, 13, 14, 17-22, 25-29, and 32-36 are patentable for at least the same reasons noted above with regards to claims 1, 12, 23, and 30.

Independent claims 23 and 30 also recite that the first and second tunneling sessions are established with the first and second access networks via a tunnel access server. The Patent Office has not pointed to anything in Blewett that is alleged to be equivalent to the claimed tunnel access server. Claims 23 and 30 are thus patentable for this additional reason.

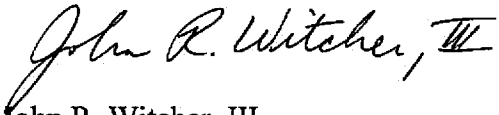
Claims 24 and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Blewett and Ramanujan and further in view of U.S. Patent No. 7,020,464 B2 to Bahl et al. (hereinafter "Bahl"). Applicant respectfully traverses. The standards for obviousness are set forth above

As discussed above, the combination of Blewett and Ramanujan does not teach each and every element of independent claims 23, and 30, the base claims from which claims 24 and 31 respectively depend. Bahl does not correct the deficiencies of Blewett and Ramanujan in this regard. Thus, the combination of Blewett, Ramanujan, and Bahl does not teach or suggest each and every element of the claimed invention. As such, claims 24 and 31 are patentable over the cited references.

The present application is now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact Applicant's representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

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